

United States District Court

For the Northern District of California

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IRVING SHEPPARD,

Petitioner,

No. C 08-3983 WHA (PR)

ORDER OF TRANSFER

vs.

D. K. SISTO,

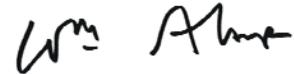
Respondent.

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This is a habeas case brought pro se by a state prisoner to challenge denial of parole. Petitioner was convicted in Santa Clara County, which is in this district, and he is incarcerated at CSP-Solano, which is in the Eastern District.

Because petitioner's claim is about the denial of parole, it is a challenge to the execution of his sentence, rather than the validity of it. Venue for habeas cases involving state prisoners is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). This petition therefore is **TRANSFERRED** to the United States District Court for the Eastern District of California. Because of the transfer petitioner may disregard the clerk's notice regarding his in forma pauperis application.

IT IS SO ORDERED.

Dated: September 2, 2008.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IRVING SHEPPARD,

Case Number: CV08-03983 WHA

Plaintiff,

CERTIFICATE OF SERVICE

v.

D K SISTO,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Irving Sheppard
C-34952/ 23-A-6U
Solano State Prison
PO Box 4000
Vacaville, CA 95696-4000

Dated: September 2, 2008

Richard W. Wieking, Clerk
By: D. Toland, Deputy Clerk